

# PETITION FOR SPECIAL EXCEPTION 84-52-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a rooming house under Bill 44-82 of the County Council of Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)

Signature \_\_\_\_\_ Signature \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)

Address \_\_\_\_\_ F & S LIMITED PARTNERSHIP  
(Type or Print Name)

City and State \_\_\_\_\_ By: \_\_\_\_\_  
(Type or Print Name)

Signature \_\_\_\_\_ Signature \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)

City and State \_\_\_\_\_ City and State \_\_\_\_\_

Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Attorney's Telephone No.: 835-1110

ORDERED BY The Zoning Commissioner of Baltimore County, this 2nd day of June, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of August, 1983, at 1:30 o'clock P.M.

\_\_\_\_\_ Zoning Commissioner of Baltimore County.

Two Aug. 16, 1983 1:30 P.M.

ECO-No. 1 (over)

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

William E. Hammond,  
TO: Zoning Commissioner  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Zoning Petition #84-52-X  
F & S Partnership

It is this office's opinion that the proposal does not comply with the regulations governing transition areas and, consequently, cannot be granted.

NEG:JCH:el

Norman E. Gerber, Director  
Office of Planning and Zoning

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 8, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Howard L. Frey  
F & S Limited Partnership  
307 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 207 - Case No. 84-52-X  
Petitioner - F & S Partnership  
Special Exception Petition

Dear Mr. Frey:

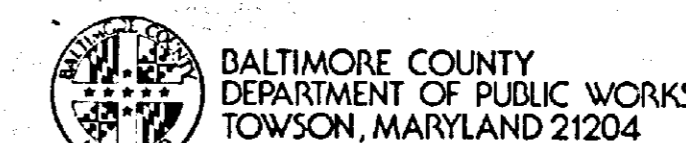
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to convert the existing dwelling to a rooming house, this hearing was requested. However, as it was explained to you, said structure does not meet the requirements for a use in a residential transition area. Among other requirements, the setbacks of the existing structure are too close to the side and rear property lines, and as of this time, these deficiencies cannot be variances.

Included in this file is a letter from you indicating that you wanted to have this hearing scheduled and heard anyway. As I'm sure you are aware, this property was the subject of a previous violation hearing, Case No. 83-154-V, in which the Deputy Zoning Commissioner dismissed the alleged violation; i.e., boarding or rooming house.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
Nicholas B. Commodari, Chairman  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee  
Enclosures  
cc: Spellman, Larsen  
Towson, Md. 21204



HARRY J. PISTEL, P.E.  
DIRECTOR May 6, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #207 (1982-1983)  
Property Owner: F & S Partnership  
S/S West Chesapeake Ave. 95' E. from center-line of Florida Rd.  
Acres: .16 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 5 Zoning Cycle IV (October 1978-April 1979) and Item 9 Zoning Cycle III (April-October 1982) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 207 (1982-1983).

Very truly yours,

Robert A. Morton, P.E., Chief  
Bureau of Public Services

RAM:EM:FW:es

cc: J. Trenner - Attn: S. Poshlman

N-W Key Sheet  
38 NE 2 Pos. Sheet  
NE 10 A Topo  
70 Tax Map

April 7, 1982

Mr. William T. Hackett, Chairman  
Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Item #9 Zoning Cycle III (April-October 1982)  
Property Owner: F & S Limited Partnership  
S/S W. Chesapeake Ave., 95' E. from centerline of Florida Ave.  
Existing Zoning: DR 5.5  
Proposed Zoning: R-O  
Acres: 0.16  
District: 9th

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 5 Zoning Cycle IV (October 1978-April 1979) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 9 Zoning Cycle III (April-October 1982).

Very truly yours,

(SIGNED) ROBERT A. MORTON  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EM:FW:es

cc: Jack Wimbly  
John Trenner (S. Poshlman)

N-W Key Sheet  
38 NE 2 Pos. Sheet  
NE 10A Topo  
70 Tax Map

October 27, 1978

Mr. S. Eric DiNanna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #5 Cycle IV (Oct. 1978-April 1979)  
Property Owner: James K. Flannery, et al  
S/S W. Chesapeake Ave. 95' E. from centerline of Florida Ave.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: D.R. 16 with a Special Exception for offices (IDCA 70-65X) and Variance to permit side setbacks of 6.3' and 9.5' in lieu of the required 25' and 5' parking spaces in lieu of the required 7 spaces.  
Acres: 0.16 District: 9th

Dear Mr. DiNanna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

This property is indicated as being the subject of Project DR 70-65X.

### Highways:

Chesapeake Avenue, an existing County street, is proposed to be improved in the future as a 44-foot closed section roadway on a 72-foot right-of-way.

Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

### Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #5 Cycle IV (Oct. 1978-April 1979)  
Property Owner: James K. Flannery, et al  
Page 2  
October 27, 1978

### Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

### Water and Sanitary Sewer:

Public 6-inch water main and 8-inch sanitary sewerage exist in Chesapeake Avenue.

Very truly yours,

(SIGNED) ROBERT A. MORTON  
ROBERT A. MORTON, P.E., Chief  
Bureau of Engineering

RAM:EM:FW:es

cc: J. Trenner

N-W Key Sheet  
38 NE 2 Pos. Sheet  
NE 10 A Topo  
70 Tax Map

Mr. Howard L. Frey  
F & S Limited Partnership  
307 West Pennsylvania Avenue  
Towson, Md. 21204

Spellman & Larsen  
Jefferson Bldg.  
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 2nd day of June, 1983.

ARNOLD FASLOW  
Zoning Commissioner  
Received by: Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

Petitioner: F & S Partnership  
Petitioner's Attorney: \_\_\_\_\_

SEP 6 1983

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the requirements of Sections 502.1 and 1B01.1B.1.b. not having been met, as well as the health, safety, and general welfare of the community being adversely affected, the special exception should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7<sup>th</sup> day of November, 1983, that the Petition for Special Exception for a rooming house under Bill 44-82 of the County Council of Baltimore County is hereby DENIED.

*Jan M. Jones*  
Deputy Zoning Commissioner  
Baltimore County

ORDER RECEIVED FOR FILING  
DATE November 7 1983  
BY Mary Campbell Clerk

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner  
TO: Office of Planning and Zoning Date: May 21, 1983

FROM: Jan J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has r specific comments regarding same:

- Item # 172 - F & M Enterprises, Inc.
- Item # 178 - Joseph L. Soley
- Item # 181 - Robert H. & Mildred J. McKenny
- Item # 190 - J. W. G. Company, Inc.
- Item # 191 - Fred L. Elrick, Sr.
- Item # 192 - Cohn Brothers
- Item # 198 - Galway, Incorporated
- Item # 199 - Clarence & Irene McNeal
- Item # 204 - Robert C. Baumgartner
- Item # 207 - F & S Partnership
- Item # 210 - Ervin J. & Joan W. Cerveny
- Item # 211 - Middle River Realty Company, Inc.
- Item # 224 - Barry L. & Ruth Green
- Item # 225 - Battle Kirson
- Item # 228 - Christopher R. & Pamela L. Burrow
- Item # 230 - Richard L. & Leticia M. Hilbert
- Item # 231 - James R. & Mary H. O'Meara, Jr.
- Item # 232 - Venice K. Paternakis
- Item # 233 - Merritt Blvd. Limited Partnership
- Item # 234 - Burton Crossing Joint Venture
- Item # 236 - Owen C. & Elsie M. Smith, Jr.
- Item # 237 - Joseph W. & Donna M. Stack
- Item # 238 - John W. & Maureen S. Diegel
- Item # 241 - Broadus B. & Ruth W. Whitlock, Jr.
- Item # 242 - Herbert L. & Patricia H. Grymes
- Item # 243 - Lawrence J. & Patricia A. Sadowski
- Item # 244 - Rhvin B. & Sharyn A. Brager
- Item # 245 - Martin Plaza, Inc.
- Item # 246 - Martin H. Beechey, Jr., et ux

*Jan J. Forrest*  
Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/fth

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RENCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: F & S Partnership

Location: S/S West Chesapeake Avenue 95'E. From centerline of Florida Road

Item No.: 207 Zoning Agenda: Meeting of April 12, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *George W. Hegardt*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3000

TED JAFENSKI, JR.  
DIRECTOR

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 207 Zoning Advisory Committee Meeting April 12, 1983 are as follows:

Property Owner: F & S Partnership  
Location: S/S West Chesapeake Ave. 95' E. from centerline of Florida Road  
Existing Zoning: D.R.  
Proposed Zoning: Special Exception for a rooming house.

Ames: 16  
District: 9th

The items checked below are applicable:

- (x) All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Building and Apes; and other applicable Codes, as may be applicable.
- (x) A building and/or other miscellaneous permits shall be required before beginning construction.
- (x) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- (x) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (x) An exterior wall erected within 6' of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A fire resistive construction is on the lot line, see Table 101, line 2, Section 101 and Table 102.
- (x) Requested variance conflicts with the Baltimore County Building Code, Section/s
- (x) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (x) Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office, that the structure for which a proposed change is use is proposed comply with the height, area requirements of Table 505 and the required construction classification of Table 401.
- (x) Comments: Use Group R-3 includes all buildings arranged for one & two family uses & permits up to 5 boarders per family. If the applicant cannot satisfy this Use Group then he should review the Code as a possible Use Group R-2 & a change of occupancy. As an R-2 Use Group, Table 308.6 should be reviewed to assure compliance before applying for a change of occupancy. See item #1 above if a change is required. These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of my permit. If desired, additional information may be obtained by visiting Room #122 (Plan Review) at 111 West Chesapeake Ave., 21204.

*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plan Review

CEB:rrj  
FORM 01-82

# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 11, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: April 12, 1983

RE: Item No: 206, 207, 208, 209, 210, 211, 212  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE ZONING COMMISSIONER  
S/S of Chesapeake Ave., 95' E of Florida Rd., 9th District OF BALTIMORE COUNTY

F & S LIMITED PARTNERSHIP, Case No. 84-52-X  
Petitioners

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## ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
*John W. Hession, III*  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2133

I HEREBY CERTIFY that on this 26th day of July, 1983, a copy of the foregoing Order was mailed to Howard L. Frey, General Partner, F & S Limited Partnership, 307 W. Pennsylvania Avenue, Towson, Maryland 21204, Petitioners.

*John W. Hession, III*  
John W. Hession, III

THE SOUTHLAND HILLS IMPROVEMENT ASSOCIATION OF BALTIMORE COUNTY, INC., ET AL

Appellants

vs.

F & S LIMITED PARTNERSHIP

Appellee

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Case No. 84-CG-692  
84-CG-392

## ORDER FOR APPEAL

Please enter an appeal to the Court of Special Appeals from the decision of the Circuit Court dated April 4, 1985, affirming the decision of the Board of Appeals.

*Dennis W. Kreiner*  
DENNIS W. KREINER

*John C. Murphy*  
JOHN C. MURPHY  
9 West Hamilton Street  
Baltimore, Maryland 21201  
301/752-2280

Attorneys for The Southland Hills Improvement Association of Baltimore County, Inc., et al, Appellants

I HEREBY CERTIFY, that on this 1-2 day of May, 1985, a copy of the foregoing Order was mailed to Harry S. Shapiro, Esquire, 400 West Pennsylvania Avenue, Towson, Maryland 21204.

*John C. Murphy*  
JOHN C. MURPHY

THE SOUTHLAND HILLS IMPROVEMENT ASSOCIATION OF BALTIMORE COUNTY, INC., et al

Appellants	IN THE
vs.	CIRCUIT COURT
	OF MARYLAND
	FOR
	BALTIMORE COUNTY
F & S LIMITED PARTNERSHIP	Case Nos. 84-CG-692
and	and 84-CG-392
Appellee	

## CROSS-NOTICE OF APPEAL

Please enter a Cross-Appeal on behalf of F & S Limited Partnership to the Court of Special Appeals of Maryland from the Decisions of the Circuit Court for Baltimore County dated April 4, 1985 in the above matter.

*Harry S. Shapiro*  
HARRY S. SHAPIRO  
400 W. Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone (301) 825-0110  
Attorney for Appellee

I HEREBY CERTIFY, that on this 1 day of May, 1985, a copy of the foregoing Cross-Notice of Appeal was mailed to John C. Murphy, Esquire, Dennis W. Kreiner, Esquire, 9 West Hamilton Street, Baltimore, Maryland 21201, Attorneys for Appellants.

*John C. Murphy*  
Attorney for Appellee

SEP 6 1985

SEP 6 1963

10-11-83  
13-2086

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 124026

DATE 12/7/83 ACCOUNT R-01-615-000

AMOUNT \$105.00

RECEIVED FROM F & S Limited Partnership

FOR Appeal fee on Case 84-52-X

1041

0 010\*\*\*\*\*105004b P082A

VALIDATION OR SIGNATURE OF CASHIER

10-11-83  
13-2086

DENNIS W. KREINER  
ATTORNEY AT LAW

8 HOPKINS PLAZA  
P. O. BOX 1477  
BALTIMORE, MARYLAND 21203

OCT 11 AM

OFFICE 237-8768  
RESIDENCE 266-3830

By ZONING DEPARTMENT

October 7, 1983

Ms. Jean Jung  
Office of the Zoning Commissioner  
of Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition For Special Exception  
5/5 of Chesapeake Avenue  
99E of Florida Road  
9th District

Dear Ms. Jung:

Enclosed please find Response to Memorandum of Petitioner filed in above matter.

Sincerely,  
Dennis W. Kreiner

DWK:ec

cc: Harry S. Shapiro, Esq.  
400 W. Pennsylvania Avenue  
Towson, Maryland 21204

13-2086  
13-2086

DENNIS W. KREINER  
ATTORNEY AT LAW

8 HOPKINS PLAZA  
P. O. BOX 1477  
BALTIMORE, MARYLAND 21203

OFFICE 237-8768  
RESIDENCE 266-3830

September 26, 1983

Ms. Jean Jung  
Office of the Zoning Commissioner  
of Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition For Special Exception  
5/5 of Chesapeake Avenue  
99E of Florida Road  
9th District

Dear Ms. Jung:

This is to confirm our telephone conversation in which you granted the undersigned, as Attorney for the Southland Hills Improvement Association of Baltimore County, Inc., until October 10, 1983, to review and respond to Memorandum of Petitioner in the above case.

Thank you for your consideration.

Sincerely,  
Dennis W. Kreiner

DWK:ec

cc: Harry S. Shapiro, Esq.  
400 W. Pennsylvania Avenue  
Towson, Maryland 21204

13-2086  
13-2086

THE SOUTHLAND HILLS  
IMPROVEMENT ASSOCIATION OF  
BALTIMORE COUNTY, INC.  
TOWSON, MARYLAND, et al.

Appellants

VS.

F & S LIMITED PARTNERSHIP  
BOARD OF APPEALS

Appellee

APR 11 AM

CIRCUIT COURT

FOR BALTIMORE COUNTY

ZONING DEPARTMENT

CASE NO. 84-CG-692

#84-52-X

ORDER

For the reasons stated on the record in open Court after reviewing the entire record on appeal and after hearing argument of counsel,

IT IS THIS 3rd DAY OF APRIL, 1985, BY THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDERED that Appellees' Motion for Dismissal of Appellants' Appeal be and the same is hereby DENIED; and it is further

ORDERED that the August 9, 1984 Opinion and Order of the Board of Appeals be and the same is hereby AFFIRMED.

Joseph F. Murphy Jr.  
Judge

FILED APR-4 1985

1985

4/6/85 m. Smith

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION  
OF BALTIMORE COUNTY, INC.

TOWSON, MARYLAND 21204

June 5, 1983

Gentlemen:

This is to advise that John McMahon is currently a duly elected member of the Board of Directors of this Association and as such is authorized to testify on behalf of the Board on all zoning matters affecting the interest of the association.

A copy of the Association's Annual Zoning Authorization Resolution dated June 5, 1983, is attached in duplicate.

Very truly yours,

John McMahon  
President

ATTEST:

Marsha Mueller  
Secretary

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION  
OF BALTIMORE COUNTY, INC.

TOWSON, MARYLAND 21204

June 5, 1983

ANNUAL AUTHORIZATION

BE IT RESOLVED, that upon proper vote taken this date at the annual meeting of this Association, the Board of Directors of the Southland Hills Improvement Association of Baltimore County, Inc., is hereby authorized for the forthcoming year to take full responsibility for review and action of all zoning matters in any way affecting the interests of the Association.

BE IT FURTHER RESOLVED, that said Board, through its members or designees, is authorized to appear and testify before any federal, state, or local government body or agency and take any action it deems necessary for the protection of the residential character and integrity of the Southland Hills community.

Marsha Mueller  
Secretary

John McMahon  
President

Re: PETITION FOR SPECIAL EXCEPTION  
5/5 OF CHESAPEAKE AVENUE  
99E OF FLORIDA ROAD  
9TH DISTRICT

F & S LIMITED PARTNERSHIP, PETITIONER

RESPONSE OF SOUTHLAND HILLS  
IMPROVEMENT ASSOCIATION OF  
BALTIMORE COUNTY TO  
MEMORANDUM OF PETITIONER

Petitioner, on or about September 15, 1983, filed with the Zoning Commissioner of Baltimore County a Memorandum purporting to support Petitioner's request for Special Exception with respect to captioned property. This Response is filed with that same Commissioner for the purpose of challenging certain points in Petitioner's Statement of Facts, refuting Petitioner's legal argument and, finally, requesting the Zoning Commissioner to find, in accordance with her discretion under Baltimore County Zoning Regulations, that no basis exists for the granting of a Special Exception in the captioned case.

Southland Hills (sometimes herein the "Community") is a residential community located in Towson which is bordered by, among other streets, the portion of the South Side of Chesapeake Avenue which contains the subject property. The residents of Southland Hills have for years fought vigorously any attempt to alter the residential nature and use of properties both within and on its borders. Indeed, Petitioner has already tested the Community's tenacity in maintaining its residential nature in a losing battle to have the subject property used for office purposes. The case now before the Zoning Commissioner is but another effort by Petitioner to compromise the residential nature of the neighborhood in which its property is situated, while subliminally attacking the County's legitimate use of police powers in enacting the carefully worded Bill No. 44-82 which redefined the terms Boarding House and Rooming House. To the extent necessary, the undersigned, both individually and as elected representatives of the Community with full authority to represent the Community in zoning matters, object to the granting of Petitioner's request for Special Exception for subject property.

Petitioner commences its Memorandum in what could be described most charitably as a mis-reading of Bill No. 44-82. The Memorandum states that the "... Amendment

appeared to set up a 'grandfathering' procedure ..." and later, in a discussion of Bill No. 100, refers to "... the type of grandfathering Legislation indicated by Bill No. 44-82." Petitioner is well aware that the terms "grandfathering procedure" and "grandfathering legislation" connote the granting of an exemption to legislation based on previously existing circumstances. As applied to Bill No. 44-82, Petitioner attempts to create the impression that, by some grandfathering right, "existing" rooming houses are elevated to a higher status than a de novo rooming house. Assuming, arguendo, that subject property actually did exist as a rooming house (but see discussion below), this assumption still has no credence. There are no "grandfathering" provisions in Bill No. 44-82; the provisions of Section 3 of that Bill do allow owners of a rooming house which is in violation of the Bill to file for a Special Exception no later than April 1, 1983. This window period for the opportunity to file for Special Exception is far removed from being a grandfathering of existing rooming houses.

Petitioner further contends that the "end result" of Bill No. 44-82 was to establish an identification process for both properties and tenants involved in a boarding house. Although this is a ministerial result of the Bill, it certainly is not the end result. The enacting Legislature provided that definitions of rooming houses and boarding houses should be drawn along constitutionally appropriate lines and that all such uses in residential zones should be subjected to special exception and ongoing renewal processes.

The Memorandum also contains unsubstantiated allegations as to present zoning of the property, lack of an alternative reasonable use for the property, the number of rooms and bathrooms in the house and sufficiency of off-street parking. Although the Community does not disagree that the property is zoned D.R. 5.5, it cannot comment on the number of rooms in the house. Presumably, though, Petitioner's comment that the house contains ten rooms with three and one-half bathrooms means that the house has only six or seven "non-bathroom" rooms which Petitioner intends to rent to three to six people. It follows, then, that Petitioner desires to lease each "non-bathroom" room to an individual. Assuming that each of these individuals maintains a motor vehicle, the off-street parking to which Petitioner refers - which is actually only a single lane drive-way - would be sore pressed to handle this volume. Absent any attempt to install a parking lot on the property (a move Community would block), the spill-over of parking into the Community would be inevitable. Also inevitable would be the dangerous condition caused by so many vehicles entering and leaving the driveway. Finally, Petitioner states that a

rooming house is the only reasonable residential use for the property. The Community would like to point out the single family use which the property enjoyed prior to its purchase by Petitioner. Although not many in number, there are some single family rental properties within the Community. Since the subject property is within the Community's borders, it would certainly be "reasonable" (to use Petitioner's word) to see the subject property returned to that single family residential use. Moreover, Community strenuously objects to Petitioner's equation of a commercial rooming house to the term "residential" when dealing with a true residential Community such as Southland Hills.

In the last part of Petitioner's statement of "Fact", there is a convoluted argument which leaves the impression that 1) Bill No. 100, enacted in 1970, would not disallow existing rooming houses from existing under grandfathering legislation such as Bill No. 44-82; and 2) that the subject property actually was a rooming house at the time Bill No. 44-82 was enacted.

To respond to Petitioner in converse order, the Community maintains that the subject property was not legally used as a boarding house at the time Bill 44-82 was enacted. Further, the Community argues that if Petitioner had been using such property as a boarding house, it was in contravention of the appropriate zoning laws and without blessing of County authorities. Additionally, as argued above, Bill No. 44-82 contains no grandfathering clause. All it allowed was a then existing rooming house to have a petition for special exception filed on it rather than be closed.

Finally, Petitioner wanders off into a murky argument supported by a Supreme Court case along with a litany of cases from jurisdictions other than Maryland. Petitioner is either attempting to impress the Commissioner or make a case for a later tribunal. The Moore case dealt with a statute attempting to define who could occupy a residential dwelling along blood lines. The Baltimore County Zoning Regulations make it clear that rooming houses are those occupied by persons not related by blood, marriage or adoption. Petitioner appears to be raising an issue which does not exist in Baltimore County.

With respect to Petitioner's legal argument, much time is spent discussing issues of blood, marriage or adoptive relationships, none of which are appropriate here. Bill No. 44-82 is sufficiently clear that no such restrictive relationships exist in the Bill. In fact, the definition of Rooming House specifically includes references to non-related persons.

What is most telling is that Petitioner cites myriad cases from foreign jurisdictions

While the said Petition for Special Exception was pending, Norman E. Gerber, Director of the Office of Planning and Zoning, indicated that there might be a problem in connection with regulations governing transition areas.

The Zoning Regulations relating to transition areas were established by Bill No. 100 adopted by the County Council on July 6, 1970, and such legislation was designed to liberalize development possibilities under Baltimore County Zoning. Additionally, the said Bill No. 100, and specifically the transition area requirements as set forth under Section 1801.1 and following of Bill No. 100, attempted to protect existing residential developments from construction of new inconsistent developments. However, there is nothing indicated under Bill No. 100 aforesaid which shows any intention that it was the purpose of Bill No. 100 to disallow an existing rooming house to continue under the type of grandfathering legislation indicated by Bill No. 44-82. Actually, if the transition area regulations are applicable, it would mean that Bill No. 44-82 cannot be applied in an existing area.

Therefore, there does not appear to be any foundation under Bill No. 100, or under Bill No. 44-82, for using the transition area regulations to completely eliminate rooming houses in developed areas. If the transition area regulations were applicable, then the net result would be to confiscate property without compensation which would violate due process rights under the Constitution of the United States, as well as the Constitution of Maryland.

Another issue raised at the hearing in this matter relates to the question of whether or not a zoning ordinance may properly restrict the use of property according to blood or marriage lines. Under modern lifestyles, blood, or marriage, are not the only reasons for people to live together. Additionally, the absence of a blood, or marriage, relationship does not necessarily equate to a use which violates the health, safety and welfare of people in a given community.

#### ISSUE

Should the Petitioner be granted the special exception requested in accordance with Bill No. 44-82?

#### ARGUMENT

The subject property appears to be of sufficient size, and with sufficient parking and conveniences so as not to affect detrimentally the health, safety and

on a point which is not even collateral to the instant case while totally ignoring the significant body of case law in Maryland dealing with Special Exceptions. Perhaps there is a reason for this avoidance.

The leading case of *Schultz v. Pritts*, 291 MD1 (1981), makes clear what is necessary for a local jurisdiction to deny a request for Special Exception. In drawing the clear distinction between a permitted use and a special exception, the Court indicated that:

"(Special Exceptions) may not be developed if at the particular location proposed they have an adverse effect upon a factor such as traffic because the legislative body has determined that the beneficial purposes that such establishments serve do not necessarily outweigh their possible adverse effects." (Ibid., p. 22).

Moreover, the case held that the appropriate standard to be used in determining that a special exception has an adverse effect and, therefore should be denied, is whether facts and circumstances indicate that the special exception use has adverse effects above and beyond those ordinarily associated with similar uses no matter where located.

Petitioner, by his own account, intends to place individuals in a room-by-room basis in a house originally built and constructed as a single family dwelling and a single lane driveway. If it can be assumed that each adult member of the rooming house operates an auto, then the spill-over of parking congestion and adverse traffic access and egress problems from the driveway will be inevitable. The Community objects to the granting of special exception on this basis.

Petitioner is attempting to create a use for the property which is transient, not residential, in nature. In its statement of "Facts", Petitioner covetously mentions a fraternity house which exists on the opposite side of West Chesapeake Avenue (although failing to note that such use is currently being disputed). The Commissioner is fully aware of the problems which the fraternity house has brought to West Towson. The infusion of a number of such transients into a house located within a truly residential neighborhood has brought about before, and will bring about here, a catalogue of complaints from home owners to local police and other authorities due to disruptive behavior of tenants. It is imperative to note that Maryland Statutory law provides that a "... (special exception) conforms to the plan and is compatible with the existing neighborhood" (emphasis added)

welfare of the people in a community. Actually, in view of the office use in the subject area, there is much more density of people in adjacent properties and much more automobile activity at the various parking lots than would exist if three to six people would inhabit the subject property.

It appears reasonable to argue that the requirements of 502.1 of the County Regulations would not be violated by the granting of a special exception in this case.

Additionally, although the Director of Planning and Zoning might have the right to give an opinion with reference to the application of any Zoning Regulation, the Zoning Commissioner, under Section 500.7 of the Baltimore County Zoning Regulations, has the broad power to exercise discretion for the proper enforcement of all zoning regulations. To this end, the Zoning Commissioner can determine cases properly presented before such Commissioner in accordance with the facts presented and in accordance with the substantial justice requirements of such an administrative body.

Cases in many jurisdictions, and even before the Supreme Court of the United States, have evolved in view of modern trends in lifestyles. In the Supreme Court case of *Moore v. City of East Cleveland*, 431 U.S. 494, the Supreme Court entered into a broad discussion which indicated that zoning may not limit family households to a nuclear family pattern. In said case, the Supreme Court struck down a zoning ordinance which attempted to say that a grandparent could not live with a grandchild notwithstanding the ordinance which attempted to limit zoning use to a more specific and limited family pattern. The *Moore* case did not say that zoning ordinances could not establish categories if such categories were related to health, safety or welfare, but that such categories could not be established in an arbitrary or capricious manner.

In our view, if the subject property could not be used for three to six persons who were unrelated by marriage, or blood, then we would reasonably argue that any applicable statute would be unconstitutional on the grounds that such a use would not interfere with the health, safety or welfare of the community in view of the location of the subject property and in view of the fact that it contained ten rooms, plus three and one-half bathrooms, plus sufficient parking.

The essence of the *Moore* case was that due process would be violated in any arbitrary or capricious zoning application in this area. The said Supreme

Art. 66, Sect. 1-00 Md. Ann. Code. The Community objects to the granting of special exception on the basis that the proposed use is incompatible with the existing residential neighborhood.

Petitioner is relying on the provisions of Bill No. 44-82 to file its petition for special exception. The Commissioner's records indicate that the Petition was filed on June 2, 1983, clearly two months after the date on which such Petition had to be filed under the Bill. To the extent such Petition was filed late, the Community objects to the granting of special exception.

In relying on the above provisions, Petitioner must demonstrate the fact that the subject property existed as a rooming house on the effective date of Bill No. 44-82. Upon information and belief, the Community challenges that the subject property had been operated legally as a rooming house. If it was not, then clearly Petitioner cannot rely upon Bill No. 44-82 to the extent it has. The Community, therefore, objects to the granting of special exception on these grounds.

WHEREUPON, for all good reasons stated above, the undersigned, both as individuals and on behalf of the Community, object to the granting of special exception for the subject property.

*Dennis W. Kreiner*  
Dennis W. Kreiner, as attorney for  
Southland Hills Improvement Association  
of Baltimore County and Individually,  
2 Hopkins Plaza, Baltimore, Md. 21201  
(301) 237-5766

*John McMahon*  
John McMahon, as President of Southland  
Hills Improvement Association  
of Baltimore County and Individually,  
318 Dixie Drive, Towson, MD 21204

I HEREBY CERTIFY THAT on this 7th day of October, 1983, a copy of the foregoing Response was mailed to F & S LIMITED PARTNERSHIP, c/o Harry S. Shapiro, Esq., 400 W. Pennsylvania Avenue, Towson, Maryland 21204.

*Dennis W. Kreiner*  
Attorney for Southland Hills Improvement  
Association of Baltimore County

Court further indicated that there must be a rational relationship to permissible State objectives if a zoning ordinance attempted to limit the use to a nuclear family pattern. We do not believe that the use of the property as indicated would violate rational State objectives.

Many States have considered issues similar to the case before the Zoning Commissioner, and have determined that such attempts to limit the use of property were irrational, arbitrary and capricious. In this regard, we refer to a number of States which have considered the issue, and these States show the broad modern trend in favor of the proposition being presented by the Petitioner in this case.

These cases are *City of Des Plaines v. Trotter*, 216 N.E. 2d (Ill.) 116; *White Plains v. Ferralino*, 215 N.Y.S. 2d 756 (N.Y.); *Kirsch Holding Co. v. Borough of Manassas*, 281 A.2d 513 (N.J.); *Brady v. Superior Court*, 200 Cal. App. 2d 81 (Cal.); *Neptune Park Assn. v. Steinberg*, 84 A.2d 687 (Conn.); *Missionaries v. White Fish Bay*, 66 N.W. 2d 627 (Wis.); *University Heights v. Cleveland Jewish Home*, 20 F.2d 743; *Carroll v. Miami Beach*, 198 So. 2d 643 (Fla.); *Robertson v. Western Baptist Hospital*, 267 S.W. 2d 395 (Ky.); *Kansas City So. v. Kansas City*, 58 F.2d 593.

We respectfully submit that a fair and just consideration of the facts and the applicable laws and regulations in this matter should establish that the discretion of the Zoning Commissioner, as indicated herein, should be applied in favor of granting the special exception requested in this matter.

Respectfully submitted,

*Harry S. Shapiro*  
HARRY S. SHAPIRO  
400 W. Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone (301) 825-0110  
Attorney for Petitioner

I HEREBY CERTIFY that on this 15th day of September, 1983, a copy of the foregoing Memorandum of Petitioner was mailed to: *John McMahon*  
318 Dixie Drive, Towson, Md. 21204

*John McMahon*  
Attorney for Petitioner

RE: PETITION FOR SPECIAL  
EXCEPTION  
5/5/83 Chesapeake Avenue  
95' E of Florio Road  
9th District  
F & S LIMITED PARTNERSHIP  
Petitioners  
BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
Case No. 84-52-X

#### MEMORANDUM OF PETITIONER

#### FACTS

The facts in this case indicate that by virtue of Bill No. 44-82 of the County Council of Baltimore County which took effect on June 14, 1982, an Amendment was enacted to the definitions of "boarding house" and "rooming house" in the Baltimore County Zoning Regulations. This Amendment appeared to set up a "grandfathering" procedure whereby boarding houses or rooming houses would have to apply for a special exception no longer than six months prior to October 1, 1983. The said Statute further required the keeping and preservation of occupancy records and information.

The end result of the Statute was to establish an identification of the properties involved and an identification of the parties residing therein.

The subject property is presently zoned D.R. 5.5, and there appears to be no reasonable residential use available for the property other than in a rooming house type of operation where three to six persons (unrelated by marriage or blood) might reside together. The house has approximately ten rooms with three and one-half bathrooms, plus off-street parking. The property is in a commercial area, and there is a fraternity house directly across the street from the subject property on the corner of Chesapeake and Central Avenues.

The Petitioner herein duly filed a Petition for Special Exception within the appropriate time outlined by Bill No. 44-82, and presented substantial testimony to the effect that no other reasonable use may be had of the property. Additionally, a neighbor who lives in close proximity to the subject property testified that he believed that the use of the subject property for a rooming house for three to six persons would not affect the health, safety or welfare of the people in the community. Another person testified that he was the President of Southland Hills Association, and that they were objecting generally to the use of the subject property as a rooming house.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/15/1983  
THIS IS TO CERTIFY that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 27th day of July, 1983.

THE TOWSON TIMES  
*Mr. Craybill*  
Cost of Advertisement, \$ 26.40

IN THE MATTER OF  
F & S LIMITED PARTNERSHIP  
FOR A SPECIAL EXCEPTION  
FOR A ROOMING HOUSE UNDER  
BILL 44-82 ON PROPERTY  
LOCATED ON THE SOUTH SIDE  
OF CHESAPEAKE AVE., 95' E OF  
FLORIDA RD. - 9th DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 84-52-X

### OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying the Petitioner's request for a Special Exception to permit the use of the property as a "rooming house". Testimony in this case was heard by this Board on April 3, 1984, and further argument heard on May 31, 1984 and memoranda submitted by Petitioner, Protestants and People's Counsel.

The history of this property as evidenced at this hearing is somewhat unique. The property was purchased by Petitioner in 1979. At that time, a reclassification from DR 5.5 to DR 16 was petitioned for and granted. Along with this reclassification request was petitioned a Special Exception use to permit office use and this was also granted. These decisions were appealed to the Circuit Court and therein affirmed, and an occupancy permit for office use obtained. The decision of the Circuit Court affirming the Board of Appeals Order was appealed to the Court of Special Appeals. At this time however, Petitioner, having received the Court's Order and the occupancy permit, went ahead and completely renovated, at a cost of some \$40,000, the existing residence into offices and moved into same for his own business use. The Board must assume that Petitioner proceeded thus, knowing the appeal to the Court of Special Appeals was pending but apparently deciding that his case was so strong that it would be upheld. Between the time of the Circuit Court's Order and the appeal to the Court of Special Appeals, the 1980 Comprehensive Maps were adopted. These map classifications included the new R. O. classification and removed the office use by Special Exception from the DR 16 classification. During this mapping process, the subject site was down shifted from its granted DR 16 to DR 5.5, thus mooted the Special Exception for office use. Petitioner then applied for the R. O. classification created under Bill 13-80 and this was denied by this Board on January 4, 1983.

F & S Limited Partnership  
Case No. 84-52-X

On June 2, 1983, Petitioner then filed his request for a Special Exception to use the property as a rooming house. On November 7, 1983, the Deputy Zoning Commissioner for Baltimore County denied this petition.

The Board will first address in this Opinion, Protestants' claim that the petition was not timely filed. Bill 44-82, Section 3, clearly states that a request for a Special Exception must be filed no later than six (6) months prior to October 1, 1983, which would put the filing date at April 1, 1983. However, extenuating circumstances surely exist. On February 16, 1982, Petitioner filed a request for reclassification from DR 5.5 to R.O. In the interim, he had leased the property to a single lessee who in turn was subleasing rooms. On October 13, 1982 and November 4, 1982, hearings were conducted on the reclassification and on January 4, 1983, the request was denied. This decision was appealed to the Circuit Court and on May 10, 1983, the Circuit Court affirmed the Board's decision and again denied the R.O. use. This decision was appealed to the Court of Special Appeals. It is obvious that up to this time, Petitioner is doing everything legally possible to protect his renovation expenses and attempting to obtain the office use sought. The petition for a Special Exception for a rooming house filed on June 2, 1983, was obviously an attempt to protect its present use while his appeal to the Court of Special Appeals was pending. To deny him the right to petition while all these other processes were taking place which could possibly moot the petition for a rooming house at any time, would in the Board's opinion be arbitrary and the Board will therefore declare the petition acceptable.

Protestants and People's Counsel raised the issue of the transition zone requirements. Section 1801.1.B.1.d states that provisions of sub-paragraphs a and b of this sub-paragraph shall not apply to existing developments as described in sub-paragraph A.1 of Sub section 1802.3. The property in question is a single detached house whose existence precedes the passage of Bill 100, creating the transition zones. There was testimony that prior to Petitioner's purchase in 1979, the property was leased for other than a residence and since that time, no residential family use has occurred. To now impose the transition

F & S Limited Partnership  
Case No. 84-52-X

requirements on this property when no external additions or alterations are requested would be arbitrary and the Board will rule that the transition requirements do not apply as long as no external changes or additions are requested.

The Board will finally address in this Opinion, the request for a Special Exception for a rooming house. If Petitioner can comply with all Sections of 502.1, the request must be granted. The Board is persuaded in this case, Petitioner has done so. The plot submitted as Exhibit #1 shows parking to already exist on the rear of the lot for seven (7) automobiles, plus a side driveway. Surely no significant increase in traffic or parking problems will occur over what could occur were the subject property redeveloped into apartment use. The proposed use would not be detrimental to the welfare of the neighborhood in itself. The abutting property is a multi-story office building of some 70,000 to 80,000 square feet with a large parking area. The church lot directly across the street has commercial parking. The area in general is changing from strictly residential to commercial and business use. If the tenants under the proposed use do not comply with Baltimore County laws, this is a police matter and not a zoning matter to be considered by this Board. The Board will therefore grant the request for a Special Exception for a rooming house, subject to restrictions.

### ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of August, 1984, by the County Board of Appeals, ORDERED that the petition for a Special Exception for a rooming house, be and the same is GRANTED, subject to the following restrictions:

1. That no more than six tenants, related or otherwise, be permitted at any one time, as agreed to by Petitioner.
2. That the requirements established in Bill 44-82 be complied with and that the records kept as to tenant occupancy be available to proper Baltimore County authorities as may be required to authenticate the limit of no more than six tenants at any one time.

F & S Limited Partnership  
Case No. 84-52-X

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

William R. Evans  
William R. Evans

Larry B. Spitzer  
Larry B. Spitzer

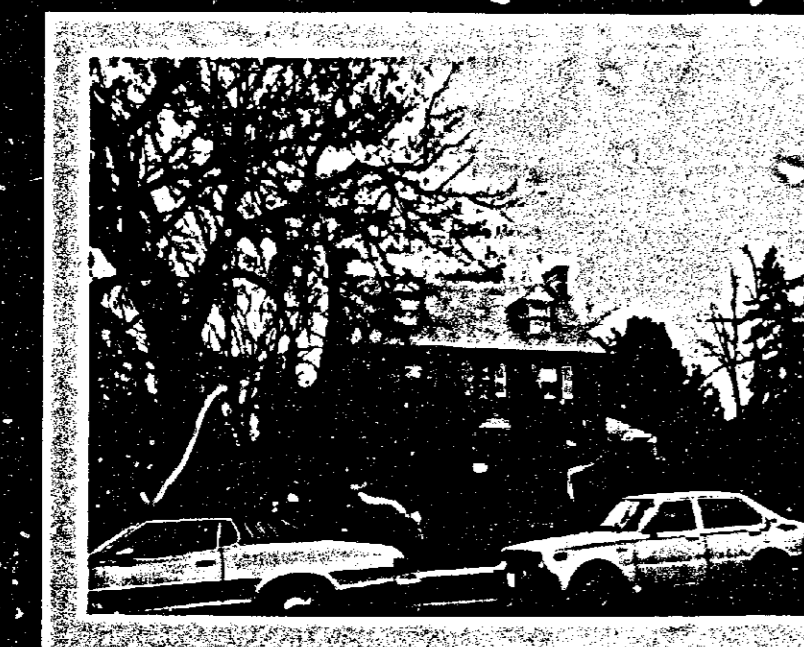
### CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1983  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~between~~ of one time ~~between~~ before the 16th day of August, 1983, the said publication appearing on the 28th day of July, 1983.

THE JEFFERSONIAN

L. Frank Smith  
Manager

Cost of Advertisement, \$2.75



July 19, 1983

F & S Limited Partnership  
c/o Howard L. Fry  
307 West Pennsylvania Avenue  
Towson, Maryland 21204

**NOTICE OF HEARING**  
Re: Petition for Special Exception  
S/S Chesapeake Ave., 95' E of  
Florida Road  
Case No. 84-52-X

TIME: 1:30 P.M.

DATE: Tuesday, August 16, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,  
TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 115071

DATE: 8/16/83 ACCOUNT: 2-01-615-000

AMOUNT: \$114.15

RECEIVED F & S LIMITED PARTNERSHIP  
FOR Filing fee for Special Exception  
From # 207

8 05710000000000 6176A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 8, 1983

F & S Limited Partnership  
c/o Howard L. Fry  
307 West Pennsylvania Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
S/S Chesapeake Ave., 95' E of  
Florida Road  
F & S Limited Partnership - Petitioners  
Case No. 84-52-X

Dear Sir:

This is to advise you that \$54.15 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119473

DATE: 8/16/83 ACCOUNT: 2-01-615-000

AMOUNT: \$54.15

RECEIVED F & S LIMITED PARTNERSHIP  
FOR Advertising & Posting Case 84-52-X

8 07100000000000 6176A

VALIDATION OR SIGNATURE OF CASHIER

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th Date of Posting: July 28, 1983

Posted for: Special Exception

Petitioner: F & S Limited Partnership

Location of property: S/S Chesapeake Avenue, 95' E of Florida Road

Location of Sign: South side of Chesapeake Avenue, opposite 125' E of Florida Road

Remarks: M. J. Dente

Posted by: M. J. Dente Date of return: August 15, 1983

Number of Signs: 1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received this 29th day of March, 1983.

Filing Fee \$ 117.10 Received: ☒ Check ☐ Cash ☐ Other

Stor # 207

Petitioner: F & S LIMITED PARTNERSHIP Submitted by: F & S LIMITED PARTNERSHIP

Petitioner's Attorney: Reviewed by: MCH

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.